

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DARREL ZIMMERMAN,

Plaintiff,

Case Number 11-11446  
Honorable David M. Lawson

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

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**ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT OR TO SHOW  
CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR LACK OF JURISDICTION**

On April 5, 2011, the plaintiff filed a complaint against the defendant, asserting that this Court has jurisdiction based on diversity of the parties and the amount in controversy pursuant to 28 U.S.C. § 1332. The plaintiff alleges that he is a citizen of Michigan and that Allstate Insurance Company is a foreign corporation for purposes of establishing diversity jurisdiction. The plaintiff, however, does not allege the citizenship of Allstate Insurance Company.

Because parties cannot consent to or waive jurisdiction, this Court must determine whether or not it has jurisdiction. “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 . . . and is between citizens of different States . . . .” 28 U.S.C. § 1332. A corporation is “deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business.” 28 U.S.C. § 1332(c)(1); *see Hertz Corp. v. Friend*, --- U.S. ---, ---, 130 S. Ct. 1181, 1186 (2010) (“[T]he phrase ‘principal place of business’ refers to the place where the corporation’s high level officers direct, control, and coordinate the corporation’s activities. . . . We believe that the ‘nerve center’ will typically be found at a corporation’s headquarters.”).

The pleadings fail to disclose Allstate's state of incorporation and its principal place of business. The allegations contained in the plaintiff's complaint, therefore, are insufficient to establish diversity jurisdiction in this case.

Accordingly, it is **ORDERED** that **on or before June 15, 2011**, the plaintiff must file an amended complaint that contains the appropriate allegations supporting subject-matter jurisdiction, or show cause in writing why this case should not be dismissed for lack of jurisdiction.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: June 2, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 2, 2011.

s/Deborah R. Tofil  
DEBORAH R. TOFIL